

Serial No.: 10/604,286
Confirmation No.: 4430
Applicants: HELLAKE, Jan
Atty. Ref.: 07589.0033.PCUS00

IN RESPONSE TO THE OFFICE ACTION:

Independent claims 11 (system) and 21 (method) each recite that among the several possible subscription services, priority values are assigned and execution conflicts therebetween are resolved based thereupon. Antecedent basis is found at least in paragraphs [0027], [0031], [0045] and claim 10 of the application as originally filed.

The subject matter of claim 10 was been rejected under 35 U.S.C. §103(a) as being unpatentable over Timm *et al.* (US 5572204) and Hattori and further in view of Razavi *et al.* (US 6362730); this is relevant because claim 10 substantially embodied this prioritization feature addressed immediately above with respect to claims 11 and 21. Regarding the three art-piece combination upon which the Office argues obviousness, it is admitted in the Action that none of the three references disclose the rejected subject matter. It is expressly stated that Timm and Hattori are silent on the subject, but despite their silence, claim 10 was rejected - - as Applicant best understands - - because one skilled in the art would have provided such a prioritization feature if there had been only one channel of communication, but where multiple channels are provided, the feature would not be necessary and therefore it would not be provided.¹ The Action then explains that Razavi teaches four communication means which can be utilized to accommodate up to four simultaneous service events, therefore the feature was not needed.

It is respectfully asserted that the absence of any disclosure, a teaching, or even a suggestion of Applicant's claimed feature in clearly related art supports the *patentability* of Applicants claimed invention, **not** its obviousness. The need for Applicant's solution in these prior art endeavors is recognized by the Office; therefore, the fact that each is completely devoid of even an intimation toward Applicant's solution is clearly an indicia of the patentability of Applicant's claimed invention, and not vice-versa.

¹ In fact, it is equally likely that no provision was made for resolving conflict - and especially on a priority basis as presently recited by applicant - for instance, one service, once initiate, could be allowed to complete before another commences.

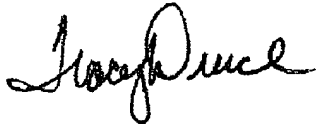
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It is believed that the above changes place the application in condition for allowance. Therefore, a Notice of Allowance is respectfully solicited.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Order No. 07589.0033.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



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